

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOHN D. FRICKER	:	CIVIL ACTION
	:	
v.	:	
	:	
JO ANNE B. BARNHART	:	NO. 04-5016

O R D E R

AND NOW, this 31st day of May , 2005, after careful and independent consideration of the parties' cross-motions for summary judgment, the plaintiff's reply brief and after review of the Report and Recommendation of United States Magistrate Judge Diane M. Welsh, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. The plaintiff's motion for summary judgment is GRANTED;
3. The defendant's motion for summary judgment is DENIED; and
4. The final decision of the Commissioner of Social Security which denied disability insurance and supplemental security income benefits to the plaintiff is REVERSED and the case is REMANDED to the Commissioner of Social Security pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with Judge Welsh's Report and Recommendation.

IT IS FURTHER ORDERED, pursuant to sentence four of 42 U.S.C. § 405(g), that JUDGMENT IS ENTERED in favor of the plaintiff.

BY THE COURT:

s/ Edmund V. Ludwig
LUDWIG, J.